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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/078,498      | 02/21/2002  | Tetsuroh Nakamura    | 50023-167           | 5251             |

7590 06/16/2004  
McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

| EXAMINER |
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HODGES, MATTHEW P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2879

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/078,498

Applicant(s)

NAKAMURA ET AL.

Examiner

Matt P Hodges

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-9,11,12,17,18,20,21,24-29,31,32,37,38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,11,12,17,18,20,24,25,31,32,37,38 and 40 is/are allowed.
- 6) ☐ Claim(s) 6-9 and 26-29 is/are rejected.
- 7) ☐ Claim(s) 1 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The Amendment, filed on 2/9/2004, has been entered and acknowledged by the Examiner.

Cancellation of claims 2, 3, 10, 13-16, 19, 22, 23, 30, 33-36, and 39 has been entered.

### ***Terminal Disclaimer***

The terminal disclaimer filed on 2/9/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of patent application 10/108,421 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Objections***

Claims 1 and 21 are objected to because of the following informalities:

Regarding claims 1 and 21, the phrase "width depends on distance" should be clarified to specify that for instance the width varies over a distance as a function of the distance.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 9, 26, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada. (US 6,366,025).

Regarding claims 6 and 26, Yamada discloses (see figures 6B and 7) a display device including a substrate, a transparent electrode layer (161) for each color of R (red), G (green), B (blue), laminated on the transparent substrate; an electroluminescence layer (163) for each color of RGB laminated on the transparent electrode layer, of which each area depends on the light emitting capability of the respective colors and the necessary illuminance for reading an image, and a metallic electrode layer (166) laminated on the electroluminescence layer for each color of RGB. (Column 7 lines 37-60) and (Column 8 lines 44-56).

Regarding claims 9 and 29, Yamada discloses (see figures 6B and 7) a display device including a substrate, a transparent electrode layer (161) for each color of R (red), G (green), B (blue), laminated on the transparent substrate; an electroluminescence layer (163) for each color of RGB laminated on the transparent electrode layer, of which each position depends on the light emitting capability of the respective colors and the necessary illuminance for reading an image, and a metallic electrode layer (166) laminated on the electroluminescence layer for each color of RGB. (Column 7 lines 37-60) and (Column 8 lines 44-56).

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Claims 6-8, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuda. (US 6,541,130).

Regarding claims 6 and 26, Fukuda discloses (see figure 4) a display device including a substrate (2), a transparent electrode layer (3) for each color of R (red), G (green), and B (blue) laminated on the transparent substrate; an electroluminescence layer (42 and 43) for each color of RGB laminated on the transparent electrode layer, of which each cross sectional area depends on the light emitting capability of the respective colors and the necessary illuminance for reading an image, and a metallic electrode layer (5) laminated on the electroluminescence layer for each color of RGB. (Column 6 lines 1-14)

Regarding claims 7, 8, 27, and 28, the EL layers are arranged in parallel along the longitudinal direction of the substrate. Further their width is determined as disclosed in the rejection of claim 6 above.

***Allowable Subject Matter***

Claims 4, 5, 11, 12, 17, 18, 20, 24, 25, 31, 32, 37, 38, and 40 are allowed.

Claims 1 and 21 are objected to.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1 and 21, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claims 1 and 21, and specifically comprising the limitation of light source where the width depends on the distance from the contact point between the electrode and the lead.

Regarding claims 4 and 24, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claims 4 and 24, and specifically comprising the limitation of a light source including a transparent substrate, a transparent electrode laminated on the substrate, a lead laminated on a part of the peripheral portion of the transparent electrode, an electroluminescent layer laminated on the transparent electrode and the lead, and a metallic electrode layer.

Regarding claims 5 and 25, claims 5 and 25 are allowable for the reasons given in claims 4 and 24 because of their dependency status from claims 4 and 24.

Regarding claim 20, claim 20 is allowable for the reasons given in claims 6 and 9 because of its dependency status from claims 6 and 9.

Regarding claims 11 and 31, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claims 11 and 31, and specifically comprising the limitation of plurality of light source pieces where a plurality of joint portions jointing each light source piece to provide one light source where the width at the end of the light emitting layer of each of the light source pieces is larger than the width in the center.

Regarding claims 12 and 32, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claims 12 and 32, and specifically comprising the limitation of plurality of light sources where the end face of the lateral side of the light source is slanted in relation to the lateral direction of the light source.

Regarding claims 17 and 37, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claims 17 and 37, and

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specifically comprising the limitation of plurality of light sources where the end piece of the light source is L-shaped.

Regarding claims 18 and 38, claims 18 and 38 are allowable for the reasons given in claims 17 and 37 because of its dependency status from claims 17 and 37.

Regarding claim 40, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 40, and specifically comprising the limitation of an image reading apparatus including a lens for reading an original document image, two electroluminescence light sources formed by jointing a plurality of light source pieces, arranged at the right and left of the lens, and joint portions of the respective light source pieces installed at right and left are formed at different positions in the longitudinal direction of the lens.

### ***Conclusion***

This action is made non-final as allowable subject matter has been withdrawn.


### ***Contact Information***

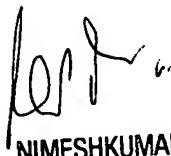
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt P Hodges whose telephone number is (571) 272-2454. The examiner can normally be reached on 7:30 AM to 4:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

mph 

  
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